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United States
Coast Guard

A SHORT COURSE IN MARINE LAW ENFORCEMENT

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Law enforcement (Enforcement of Laws and Treaties) is one of the primary missions and responsibilities under Federal regulations of the United States Coast Guard. Founded in 1790 by the first Secretary of the Treasury, Alexander Hamilton to enforce customs and tariff laws, law enforcement was the initial reason for a Coast Guard.

Today, the public is necessarily becoming more and more aware of the law enforcement mission of the Service. A better understanding of the procedures and authority of the Service by the public is important for the Coast Guard to do it's enforcement job properly and efficiently, with minimum inconvenience to the public.

The chances of being boarded nationwide are extremely slim with about 1 in 100 boats in the coastal areas getting boarded each year. In coastal areas of Florida and the Gulf or Caribbean passages, the chances are understandably higher. The volume of narcotics and illegal migrants being transported in those areas demands a heavy boarding effort. In 1988, the Coast Guard seized 149 vessels and aircraft with 438,894 pounds of marijuana, 12,825.5 pounds of cocaine and other drugs with 345 arrests. 4,566 illegal aliens were also interdicted. The street value of the drugs seized was over $1.3 billion!

Although there has been in some instances, cries of "unconstitutionality", it should be made clear that a boarding officer, under law, does have the unquestionable right to come on board a vessel. Most often, as a courtesy, he will ask permission, but it is not required to have the vessel's master give permission for him to board. That right has been repeatedly upheld by the courts. Also, a vessel must stop when ordered by the Coast Guard. Failure to do so can be a felony and the Commanding Officer of the Coast Guard cutter or boat has the authority to fire both warning shots and if necessary, disabling fire if a vessel refuses to stop.

Boardings are *NOT* specifically for just safety, zero tolerance or other drug related matters, but are to ensure conformance with *ALL* applicable federal laws. These involve, safety, required equipment, environmental issues, drugs, licensing, firearms, currency, communications, customs and other pertinent laws. Most federal law applies to U.S. registered vessels and citizens wherever they may be. Some laws apply only within U.S. territorial waters.

In most cases, only an inspection is authorized upon boarding, not a search. The difference is significant. The boarding officer may look at those things covered by the applicable law. This may include things like wiring runs or fuel and sewage piping systems as well as safety equipment. The boarding officer may also look into any man-size space to account for all the crew for his own safety. He may *NOT* search personal gear, people, closed areas, voids, drawers or luggage without the master's consent, *or, THE DEVELOPMENT OF PROBABLE CAUSE.*

"PROBABLE CAUSE" TO BELIEVE A CRIME HAS BEEN COMMITTED IS DEVELOPED AT THE SCENE BASED ON THE FACTS

AT HAND, INCLUDING PERHAPS: WHAT PEOPLE HAVE SAID, PRIOR INTELLIGENCE, SMELL OF DRUGS, OR OTHER LAW VIOLATIONS.

Border crossings are an exception. Under Customs Law a complete search, even a destructive search, may be conducted on a vessel entering the U.S. from a foreign country or the high seas. Some suspicion of a violation of the law is required, but *NOT* probable cause.

All boarding officers are armed with side arms. Shoulder weapons are not carried on board *UNLESS* there is suspicion, a specific threat or very unusual circumstances. In general, shoulder weapons are fairly common in Florida and the Caribbean, and uncommon elsewhere.

If a boarding officer is greeted by hostility, verbal abuse and an uncooperative attitude by the master or crew, our officers are taught to be courteous, but firm. The uncooperative attitude will be noted on the boarding form, and it will be considered in the determination of any fines for violations. Assault against a federal law enforcement officer is a *VERY SERIOUS* crime and results in immediate arrest.

For most safety or other minor violations, a hearing officer generally disposes of the case with a letter warning, with assurances that the violation has been or will be corrected. Fines, however, can sometimes be significant — particularly for repeated violations or those that ignore the warnings.

The "Zero Tolerance" Policy towards possession of drugs on board a vessel is straightforward. It is based on the premise that the user of drugs is one of the biggest parts of the overall drug problem. If you use drugs, or allow others to use them on board, you are liable for heavy penalties and risk forfeiture of your vessel. There have been over a hundred zero tolerance seizures. In virtually all cases, the drugs or paraphernalia were in plain sight and not the result of a search. In most cases, the vessels were not forfeited, but almost all have had heavy fines imposed. The "innocent owner" is protected by law if he is in fact innocent, but he had best take special precautions to insure that drugs are not on board. If the owner himself is on board the vessel, he has very little defense.

During the boarding process, the boarding officer goes down the list on a boarding form (form CG-4100), checking all equipment and other items with the master's assistance.

Upon completion, the master is advised of the results, other concerns are discussed if needed, and the master provided with a copy of

the form. If you are boarded again fairly soon, be sure to present the form copy, it will likely speed up the second boarding (but won't necessarily prevent it).

If there is any damage to your boat, the boarding officer will provide a claim form for you to get reimbursed for repair.

In some areas there may be some special techniques involved. A "boatscope" — a periscope affair — is often used to view the underwater body. Also, since hidden compartments are the normal way of smuggling, a lot of measuring may be done for space accountability, and a fiber optic viewing device may be used to look into odd places if necessary. Sounding of all tanks is also common since a lot of cocaine has been found in fuel and water tanks.

For More Information
Concerning The Missions of the Coast Guard

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Washington, DC 20593-0001

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A Standard Coast Guard Boarding

A signal to stop, or commonly to slow on a safe heading, may be by loadhailer, VHF radio, flaghoist, flashing light, or rotating blue light and siren. It should be noted that ships on patrol at sea generally avoid radio use and when used will generally identify themselves by just "Coast Guard" rather than by name.

A boarding party from a cutter will be transported by smallboat, generally an inflatable. The size of the party varies with the size of the boarded vessel.

Generally, all crew will be requested to gather together, either forward or aft, before being boarded. Boarding teams are very "antsy" about this . . . they are very vulnerable while actually boarding.

Generally, boarding ladders or fenders complicate the situation and should be avoided. Except for very large vessels, boarding will be directly from the boat (with perhaps a bit of scrambling).

The first question will generally be: "Do you have any weapons aboard?" The intent is not to confiscate, but simply to identify where they are.

The boarding officer and the master generally start the paperwork with registration or documentation, while one boarding team member remains with the crew and one or two make a quick sweep through the boat to see if others are aboard.

Identification for all crew will be requested. Before boarding, the vessel will have been checked against a data base for past history. Individuals will also be checked, no different than a state trooper that stops you on the highway.

Serious violations can result in arrest and seizure. Generally, they are for drugs (distribution quantities), drugs (personal use quantities), drug paraphernalia, outstanding warrants, vessels configured for smuggling, operating a boat while intoxicated, reckless and negligent operation, illegal aliens or economic migrants, currency violations (over $10,000 in cash without filing a report with Customs), illegal firearms (fully automatic weapons or sawed-off shotguns) or other contraband (e.g. endangered species products).

Minor violations are most often the most obvious ones that are easily seen: registration number errors, negligent operation (such as "bow riding"), or lack of lights at night. Lack of sufficient personal floatation devices (PFD's) and lack of sufficient fire extinguishers are both very common, and potentially very dangerous.

The Coast Guard prides itself on its humanitarian services — Search and Rescue. In *All* cases this remains the highest priority for the Service. However, the scourge of drugs apparently is going to be with us for a long time, and in that time law enforcement will remain a high priority.

Even though no one likes to be boarded, most people's experience is that boardings are conducted in a professional and courteous manner, minimizing inconvenience. If this is not the case, the local Coast Guard District Commander should certainly be notified, with particulars, by letter.